



Commonwealth of Massachusetts Executive Office of Labor and Workforce Development

Renovation, Repair and Painting Rules 40 CFR 745, Subpart E and 454 CMR 22.00

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EPA's Lead Renovation, Repair and Painting Rule – Rationale

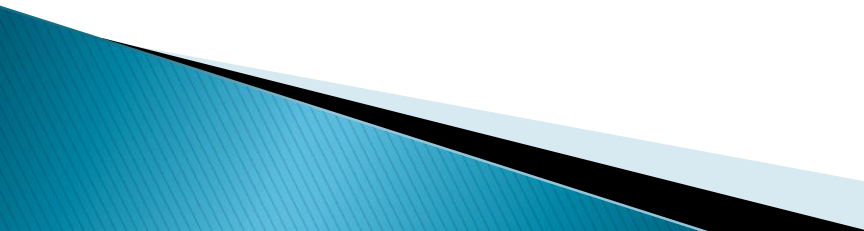
- ▶ Serious health effects associate with elevated blood lead levels – particularly in children.
- ▶ In 1992, pre-1980 housing stock estimated to contain over 3,000,000 tons of Pb paint (nationally).
- ▶ Large amounts of paint dust can be produced during renovation.
- ▶ As many as one-third of all childhood lead poisoning cases associated with renovation activity. (MACLPPP)



Residential Lead-Based Paint Hazard Reduction Act of 1992 – Title X – P.L. 102–550

- ▶ § 1031 OSHA – Worker protection from Pb hazards at construction sites – 29 CFR 1926.62 (1993)
- ▶ § 1012 HUD – Reduction of Pb hazards in federally– assisted properties – 24 CFR Part 35 (1999)
- ▶ § 1018 HUD and EPA – Lead hazard information disclosure upon transfer of real estate (1996)

TSCA

- ▶ § 402(a) EPA – Standards for deleading activities – 40 CFR 745 Subpart L (1996)
 - ▶ § 406(b) EPA and HUD – Pre–renovation notification (1999).
 - ▶ § 402(c) EPA – Study Pb hazards associated with renovations in target housing and child–occupied facilities and regulate as necessary – 40 CFR 745 Subpart E (2008)
 - ▶ § 404 EPA – Authorization of state programs
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EPA's Lead Renovation, Repair and Painting Rule – 40 CFR Part 745, Subpart E



- ▶ Enabled by Lead-Based Paint Hazard Reduction Act of 1992 (Title X).
- ▶ Proposed Rule published in 2006.
- ▶ Final Rule published in Federal Register April 22, 2008.

Applicability of State and Federal RRP Rules

- ▶ Work conducted for a fee that disturbs painted surfaces in:

Target Housing (built before 1978, with some exceptions).

Child-Occupied Facilities.

- ▶ Does not apply to minor maintenance & repair – work that disturbs 6 or fewer sq. ft per room on interior; 20 or fewer sq. ft on exterior, except window replacement or demolition.



Massachusetts Trades/Establishments Potentially Affected by EPA RRP Rule

- ~ 29,000 contractors registered with OCA Home Improvement Contractor (HIC) Registration Program
- ▶ ~ 60,000 Construction Supervisors licensed with Dept of Public Safety.
- ▶ ~ 35,000 licensed electricians and ~ 26,000 licensed plumbers (MA Division Of Professional Licensure)
- ▶ ? Lessors of Real Estate



General Requirements



- ▶ Licensing of Renovation Firms.
- ▶ Training and “certification” of Renovation Supervisors.
- ▶ On-the-job training for workers.
- ▶ Work pre-notification Requirements
- ▶ Work Practice Requirements.
- ▶ Recordkeeping requirements

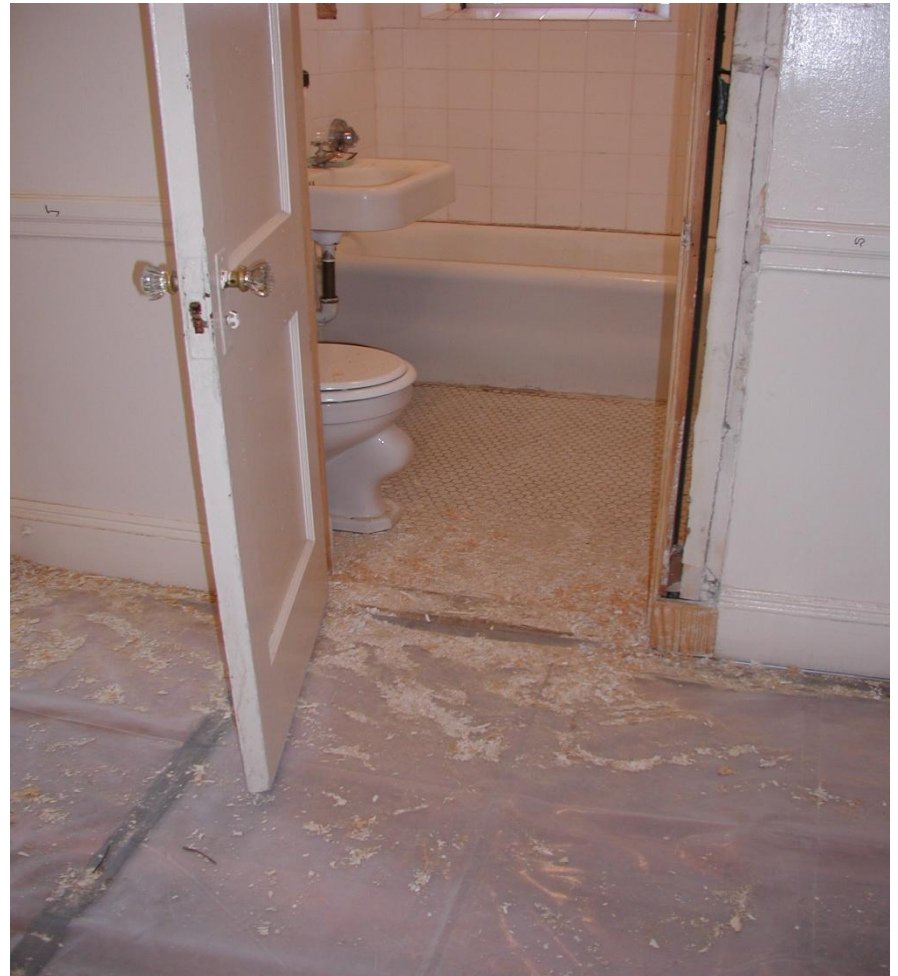
Prohibited Work Methods

- ▶ Torch burning of lead paint.
- ▶ Abrasive grinding, blasting, planning, etc. without HEPA pickup.
- ▶ Heat guns operating over 1100 degrees F.



Specified Work Practices

- ▶ Remove moveable objects from work area.
- ▶ Cover and seal nonmoveable objects.
- ▶ Close windows and doors.
- ▶ Cover duct openings.
- ▶ Cover floor surfaces.
- ▶ Use HEPA vac/wet methods for cleaning.
Use beater bar for rugs.
- ▶ Dispose of sheeting as waste.



“Cleaning Verification”



- ▶ Performed by Supervisor at end of job.
- ▶ Compares color of wipe cloth with card of standardized color.
- ▶ Dust wipes may be substituted where required by awarding authority or regulating authority
- ▶ Dust sampling will likely be required for certain facilities under future amendments.

RRP Rules –Effective Dates

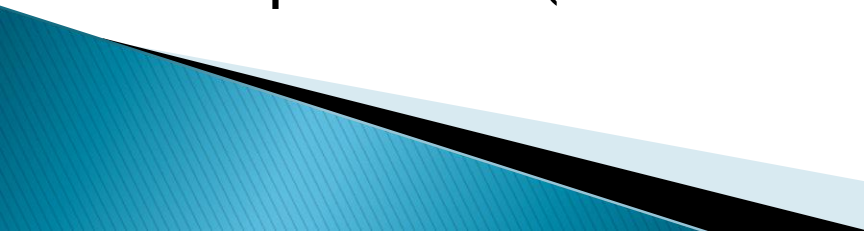
- ▶ April 2, 2010 – DOS emergency amendments of 454 CMR 22.00 went into effect.
- ▶ April 22, 2010 – EPA's final RRP Rule went into full force and effect.
- ▶ June 18, 2010 – EPA announces delay in RRP enforcement.
- ▶ July 9, 2010 – Final DOS RRP amendments went into effect.
- ▶ July 9, 2010 – DOS self-certification to EPA for RRP program authorization went into effect.



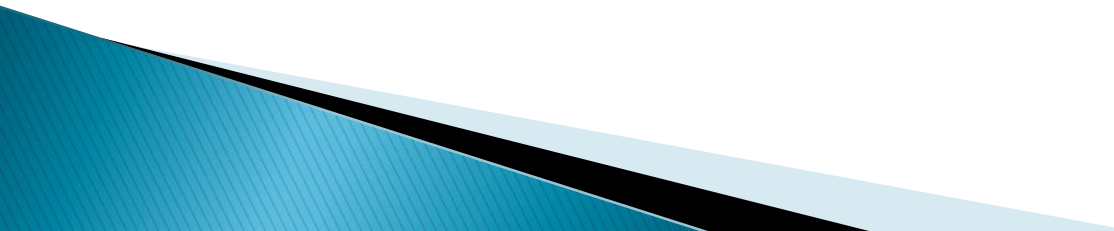
RRP-related Requirements of DOS Lead Regulation

454 CMR 22.00

(effective July 9, 2010)

- ▶ Similar licensing fee for Lead-Safe Renovation Contractor (Certified Firm) license
 - ▶ Companies who became licensed with EPA prior to 7/9/2010 and entities doing RRP work in own facilities using own employees may apply for no-fee Contractor License Waiver in lieu of LSR Contractor license.
 - ▶ Licensed Deleader Contractors may also perform RRP work in Massachusetts without separate LSR contractor license.
 - ▶ Principal of entity applying for LSR Contractor License must document having received LSR Supervisor (Certified Renovator Training)
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RRP-related Requirements of DOS Lead Regulation – 454 CMR 22.00 (continued)

- Entities applying for LSR Contractor license must submit business information, documentation of compliance with WC insurance coverage, health and safety plan, compliance with tax laws.
 - ▶ LSR Supervisor must be on site at all times under 454 CMR 22.00.
 - ▶ Training requirements for LSR Supervisors include agenda items on personal protection.
 - ▶ DOS recognizes LSR Supervisor (Certified Renovator) training given outside of Massachusetts by EPA approved providers or providers approved by EPA authorized states and vice versa.
 - ▶ There is no reciprocity between EPA and DOS for LSR Contractor/Certified Firms.
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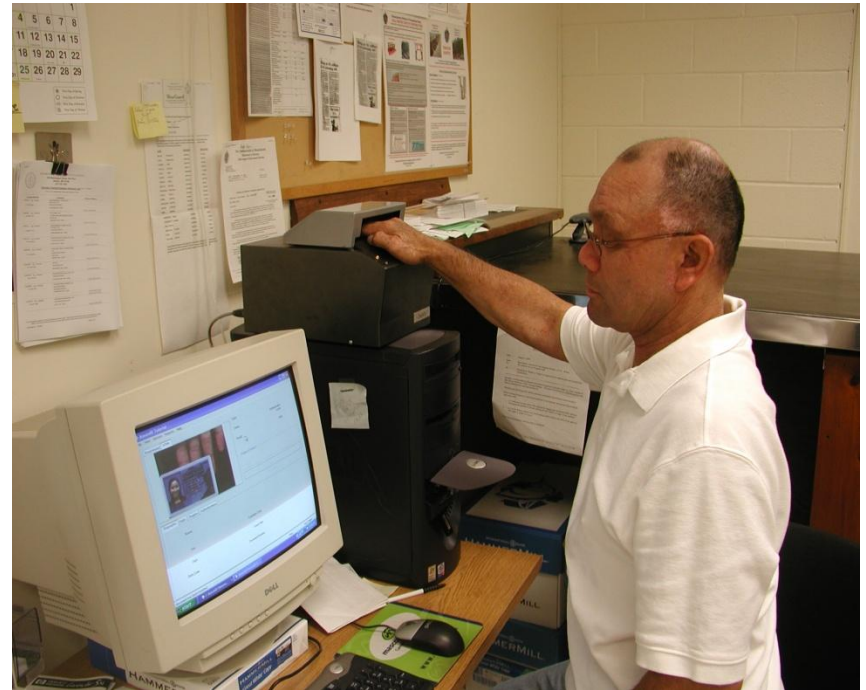
Most Commonly Observed “Violations”

- ▶ Firm not licensed.
- ▶ Supervisor not trained.
- ▶ Work practice violations, especially ground and floor covers.
- ▶ Worker protection.
- ▶ Safety.
- ▶ Recordkeeping?



DOS Enforcement Authority for RRP Violations

- ▶ Pursuant to 453 CMR 9.00, up to \$5,000 per violation.
- ▶ Suspension or revocation of licenses.
- ▶ Order to “cease all relevant activities.”
- ▶ Referral to EPA – EPA may overfile.
- ▶ Referral to AG for criminal prosecution.



Massachusetts RRP Contacts

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